

REMARKS

Claims 26-40 are pending.

Claims 26-39 stand rejected.

Claim 40 has been withdrawn for consideration.

Claims 27, 29, 30, 32 and 33 have been amended.

Claim 26 has been cancelled.

Claims 41-44 have been added.

Claims 27-39 and 41-44 are hereby submitted for review and consideration.

No new matter has been added.

In the first section of the Office Action, the Examiner has noted that claim 40 has been withdrawn from consideration as being directed to a non elected species.

In the second section of the Office Action, the Examiner has rejected claims 32 and 39 under 35 U.S.C. § 112 as being indefinite for failing to particularly point out and distinctly claim the subject matter which the applicant regards as the invention. Applicants have amended claim 32 accordingly, and respectfully request that the rejection of this claim be withdrawn.

In section 3 of the Office Action the Examiner has rejected claims 26, 29, 30, 33 and 36-37 as being unpatentable over Marquie et al. (Life Sciences, 1998; 63(1):65-67), Pentikainen et al. (Annals of Medicine, 1990;22:307-312), and Poupon et al. (Heptology, 1993;17(4):577-582 in view of Spasmo-Canulase® Bitlab ® package insert (July 1989). Claims 27, 28, 31-32, 34-35 and 38-39 are rejected under 35 U.S.C. § 103 as being unpatentable over Marquie, Pentikainen, Poupon, and Spasmo-canulase Bittab, further in

Application No. 09/982,554
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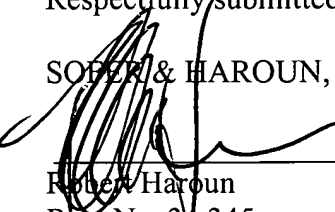
view of Hydrocotyle (A Modern Herbal Home Page, 1995), Kang et al. (Archives of Physiology and Biochemistry, 1997;105(6):603-607), Pondimin monograph (PDR, 199, page 2066-2067 and Keown et al. (WO 95/11034).

Applicants have amended the application by canceling independent claim 26 and adding new independent claim 41 and 44 and new dependent claims 42 and 43.

Applicants submit that the cited references do not teach or suggest all of the elements of the newly filed independent claims. An RCE is filed herewith in order to have the amendments to the claims entered.

As such, Applicants respectfully submit that the present invention as claimed is now in condition for allowance, the earliest possible notice of which is earnestly solicited. If the Examiner feels that a telephone interview would advance the prosecution of this application they are invited to contact the undersigned at the number listed below.

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Respectfully submitted
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